Scott. II-27—60,004—

Edn. & P. H. **(1949) Department.**

Public Health SERIES.

G.O. NO. 2068. P.H.

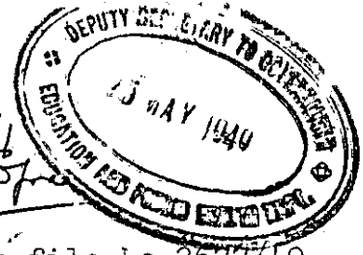
Dated 7th June 1949.

[Despatch Abstract.]

States - Sandur - merged in Bellary Dt. - Surgeon-general and other Heads of departments - Authorized to take charge of their respective departments - Notifications - Issued.

D2 (Copies sent to all sections)

Substituted vide pp. 3-6 infra.



Government of Madras.

***

Extract from Public (Political) Department file No.2677/49.

39817 States - Sandur - Merger - Taking over the administration of Departments. ... Substituted by pp. 3-6 infra.

Under instructions from the Government of India this Government took over the administration of Sandur State in July 1948. From then the administration of the State is being carried on by this Government in the name and on behalf of the Ruler. All matters relating to the administration of the State were being attended to in this department.

2. Now the Ruler of Sandur has signed the merger agreement agreeing to the merger of the State with the Indian Union with effect from 1-4-49. The Government of India have also issued a notification delegating to this Government under the Extra Provincial Jurisdiction Act, necessary powers for the governance of the merged area. The Government of India notification will be published in an extraordinary issue of the Fort St.George Gazette.

3. It has already been decided that in respect of the merged States the Departments of the Secretariat should attend to the matters (including the extension of laws) with which they are concerned - Vide Public (Political) U.O.Note No.2971/48-2 dated 5-8-48. The Departments of the Secretariat may therefore be requested to take necessary action for the taking over the administration of the Departments in the Sandur State with which they are concerned by the concerned Heads of Departments of this Government.

4. As regards the extension of the laws in force in this Province to Sandur this Department have suggested in a note to be sent to Home Department that the laws in force in this Province need not be extended immediately and that pending the extension of the laws in force in this Province, the State laws may be retained and that orders may be issued retaining the existing State laws and judicial institutions. Orders in this regard will be issued in Home Department. It seems that to enable our Heads of Departments to take over the administration of the departments in the State and run them with reference to the State laws a formal authorisation by Government under the Extra Provincial Jurisdiction Act,1947 will be necessary. Legal may be requested to advise.

xx xx xx

Legal Department.

A on page 2 ante: This Department agrees with the view of the Public (Political) Department expressed here.

xx xx xx

Public (Political) Department.

Proposal (i) above. Extracts of paragraphs 1 to 4 of this department's note on pp.1-2 and of Legal's note at B on page 3 above may be sent to all departments of the Secretariat (all sections) including Public for necessary action.

In the case of Pudukkottai and Banganapalle each notification was issued separately by the department concerned and the same procedure may be followed in the case of Sandur also. Each Act may

S/25/5

be examined separately and applied to Sandur in the orders of urgency with such modifications, adaptations or omissions as are necessary. There seems to be no special advantage in issuing a consolidated notification. On the other hand the consolidation work is likely to cause delay and complications. It might be necessary to extend some of the fiscal Acts immediately for administrative or other reasons and it seems unnecessary to do such Acts for the sake of issuing an omnibus and consolidated notification. Such a notification with various modifications and saving clauses and schedules will also be inconveniently large and cumbersome. The departments may therefore examine each case and issue a consolidated notification in respect of all the Acts with which they are concerned as far as possible. Urgent and isolated cases may be dealt with separately.

xx xx xx

I still think that for the reasons stated at page 5 ante it would be more convenient to leave it to the departments concerned to issue a consolidated notification in respect of all the Acts with which they are concerned. As all notifications will be scrutinised by Legal and as that department have recently circulated to all departments a model notification, uniformity in language may be expected.

A.

xx xx xx

A.R.N.
16-5-49.

I agree. The procedure suggested at A above may be followed.

C.K.V.
17-5-49.

Public (Political) Department.

U.O.Note No.2905/49-2 dated the 19th May 1949.

Communicated to the Departments of the Secretariat, for necessary action.

C.K.Vijayaraghavan,
Chief Secretary to Government.

To the Departments of Secretariat including Public (all sections)

Forwarded, By order

Superintendent.

mdk.23/5-

E.P.H.(D3)

Replies from other Secti

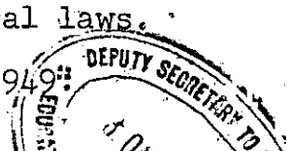
Government of Madras.
Public (Political) Department.
***
U.O.Note No.2905/49-3 dated the 26th May 1949.

States - Sandur - Merger - Taking over administration of States Departments and application of Provincial and Central laws.

pp1-2 supra. 41128

U.O.Note No.2905/49-2 Public (Political) dated 19-5-1949.

Extracts of notes Public (Political) Department file bearing C.No.2677/49.
...



The Departments of the Secretariat may be requested to substitute the following extracts for those communicated with the U.O. note of the same number and date as mentioned above:-

Now the Ruler of Sandur has signed the merger agreement agreeing to the merger of the State with the Indian Union with effect from 1-4-49. The Government of India have also issued a notification delegating to this Government under the Extra-Provincial Jurisdiction Act, necessary powers for the governance of the merged area. The Government of India notification has already been published in an extraordinary issue of the Fort St.George Gazette.

It has already been decided that in respect of the merged States the Departments of the Secretariat should attend to the matters (including the extension of laws) with which they are concerned - vide Public (Political) U.O. Note No.2971/48-2 dated 5-8-48. The Departments of the Secretariat may therefore be requested to take the necessary action for the taking over the administration of the Departments in the Sandur State with which they are concerned by the concerned Heads of Departments of this Government.

As regards the extension of the laws in force in this Province to Sandur this Department have suggested that the laws in force in this Province need not be extended immediately and that pending extension of the laws in force in this Province, the State laws may be retained and that orders may be issued retaining the existing State laws and judicial institution. Orders in this regard will be issued in Home Department. It seems that to enable our Heads of Departments to take over the administration of the Departments in the State and run them with reference to the State laws a formal authorisation by the Government under the Extra Provincial Jurisdiction Act,1947 will be necessary. Legal may be requested to advise.

As regards the application of the laws in force in this Province, both Provincial and Central to Sandur the Departments of the Secretariat will have to take necessary action for the extension of Acts with which they are concerned, bearing in mind the general instructions issued by the Government of India in their letter No.F.41(7). IB/48 dated 25-2-48. Recently in connection with the application of these laws to Pudukkottai and Bananapalle Legal Department expressed the desirability of issuing a consolidated notification in the place of the piecemeal notifications issued by the different Departments of the Secretariat. Legal may be requested to consider the expediency of asking the different Departments to send to them in due course proposals for the extension of Acts with which they are concerned so that a consolidated notification may be issued from Legal.

Legal may see for remarks.

A.R.N.
29-4-49. Legal.

Public (Political) U.O.
No.2677/49-1 d/29-4-49.

p.t.o.

Legal Department.

3. A above: This Department agrees with the view of the Public (Political) Department expressed here.

B ibid: The notifications in respect of Pudukkottai and Banganapalle extending the Central and Provincial Acts were issued by the administrative Departments concerned and in some cases by the Public (Political) Department. Before extending the Acts to those two States, heads of departments were consulted as regards modifications to be made in those Acts. Similarly, before extending particular Acts to Sandur it may be desirable, and even necessary, to consult heads of departments concerned and make modifications, if any, that may be required in the Act. This Department may, therefore, suggest that the notifications may be prepared by the administrative departments concerned and then sent to Public (Political) for consolidation and issue. Public will no doubt refer any legal point which may arise to this Department for advice, and also send the consolidated notification for scrutiny by this Department.

(Sd.) xx xx xx
A.S.I. A.S.II. J.S. K.V.R.
7/5/49. 7/5/49 7/5/49 7/5/49.

Public (Political)

Legal U.O.No.5634/49-1
dated 7-5-1949.

Public (Political) Deptt.

The proposals in this file relate to (1) the taking over the administration of Departments in Sandur by the Heads of Departments concerned and (ii) the extension of laws in force in this province to Sandur.

Proposal(i) above. Extracts of paras 2 to 4 of this department's note above and of Legal's note at B above may be sent to all Departments of the Secretariat (all sections) including Public for necessary action.

Proposal (ii) above. Legal suggest that this department may collect proposals from the different departments of the Secretariat for the extension of laws to Sandur and then take necessary action for issuing a consolidated notification. It is submitted that if this work is to be undertaken in Public Deptt. then an additional upper division clerk will be required to deal with the subject. As previous proposals for sanction of additional staff for Public (Political) had to be dropped due to the objection of Finance department it is for consideration whether this work may be taken up by this department and the sanction of the post of an additional upper division clerk asked for or in the alternative whether the departments of the secretariat may be asked to issue a consolidated notification in respect of all the Acts with which they are concerned.

In the case of Pudukkottai and Banganapalle each notification was issued separately by the deptt. concerned and the same procedure may be followed in the case of Sandur also. Each Act may be examined separately and applied to Sandur in the orders of urgency with such modifications, adaptations or omissions as are necessary. There seems to be no special advantage in issuing a consolidated notification. On the other hand the consolidation work is likely to cause delay and complications. It might be necessary to extend some of the fiscal Acts immediately for administrative or other reasons and it seems unnecessary to delay such Acts for the sake

of/...

of issuing an omnibus and consolidated notification. Such a notification with various modifications and saving clauses and schedules will also be inconveniently large and cumbersome. The Departments may therefore examine each case and issue a consolidated notification in respect of all the Acts with which they are concerned as far as possible. Urgent and isolated cases may be dealt with separately. There will be no need for any additional staff of the above suggestion is accepted.

Legal may perhaps see again.

A.R.N.
12-5-49. C.K.V.
12-5-49. Legal.

Pub.(Poll.)U.O.No.
2905/49-1 d/12-5-49.

Legal Department.

Seen in Legal.

The difficulties and disadvantages of each Department issuing separate notifications have already been pointed out by this Department in another file. A copy of that note is placed at flag (V). This Department has no further remarks to offer.

xx xx
A.S.I. A.S.II.
13/5/49. 14-5-49.

If separate notifications are to be issued, apart from the difficulty pointed out in the note at 'V', there will also be the possibility of some of the Acts being omitted, each department thinking that it is not concerned with them, or of some of the Acts being extended by more than one department, one department not being aware of ~~this~~ extension by the other. It is for these various reasons that this department advised the issue of a single consolidated notification.

xx xx
14/5/49.
Pub.(Poll.)

Legal U.O.No.
6036/49-1 d/14-5-49.

Public (Political)Deptt.

It appears from the Legal department note above that they reiterate their original proposal. If that is to be pursued additional staff is absolutely necessary. Public (Political) has already 4 upper division clerks and one Superintendent. If the additional upper division clerk is attached to Public (Political) the section has necessarily to be bifurcated. It is also submitted that the work in this file is not of an ordinary nature and the attention of a full time Superintendent is necessary for the subject. Submitted for orders.

A.

I still think that for the reasons stated at page 5 ante it would be more convenient to leave it to the departments concerned to issue a consolidated notification in respect of all the Acts with which they are concerned. As all notifications will be scrutinised by Legal and as that department have recently circulated to all departments a model notification, uniformity in language may be expected. The possibility of some of the Acts being omitted can be avoided by checking the list of Acts extended by the departments. For orders whether in the circumstances the question of issuing a consolidated notification by Public (Political) may be dropped. If, however, it is considered that Public (Political)

C.K.V.
17/5

should/...

should undertake the work, Finance may be requested to agree to the proposal to sanction the post of a Superintendent, say, for 2 months for the present.

A.R.N
16-5-49. C.S.

I agree. The procedure suggested at A above may be followed.

C.K.V.
17-5-49.

/True copy/

To the Departments of the Secretariat including Public(all sections.)

mdk.26/5-

Superintendent.

17 copies Draft II.

E.& P.H.Dept.(D3).

U.O.Note No.39817-D3/49-1 P.H. dated 7-6-1949.

Sub:- States - Sandur - Merger - Taking over administration of States Departments and application of Provincial and Central laws.

Ref:- ~~Public(Political) U.O.No.2905/49-3 dated 26-5-49~~ (received in all the Sections in ~~this Dept.~~)

The Ruler of the Sandur State has signed the Merger agreement agreeing to the merger of the State with the Indian Union with effect from 1-4-49. Formal authorization of Govt. under the Extra Provincial Jurisdiction Act 1947 empowering the Heads of Depts. under the control of this Dept. to take over the administration of the departments in the State with which they are concerned is under issue separately. The question of extending the laws in force in this Province both Provl. and Central to the Sandur State has now to be examined in consultation with the Heads of Depts. concerned, as to whether they should be extended in toto or with modifications and the dates from which they have to be extended to the State. The concerned Sections in this Dept. may be requested to consult the Heads of Depts. concerned in the matter and get a decision as to whether the laws in force in this province may be extended to the Sandur State. The decisions may be sent to this Section for issuing a consolidated order extending all the Acts in force in this Province so far as this Dept. is concerned, to the Sandur State.

2/6/49.

2/6/49

3/6/49

To

The Superintendents
of B1, B2, C1, A,
C2, E1, E2, F1, F2,
G1, G2, H1, H2,
D1, D2.
All Sections in this Dept
copies of memo to all sections

G.No. 3987/49

E.& P.H.Dept.(D3).

35 Copies

V.E.

Sub:- States - Sandur - merged in Bellary Dt.- Surgeon-General and other Heads of Departments - Authorised to take charge of their respective Departments - Notification - Issued.

Order Ms. No. 2068 P.H. dated 7.6.49

The following notification will be published in the Fort St. George Gazette:-

NOTIFICATION.

In exercise of the powers conferred by section 4 of the Extra-Provincial Jurisdiction Act, 1947 (Central Act XLVII of 1947), read with the Notification of the Government of India in the Ministry of States No. ~~176-IB~~ 91-P, dated the ~~23rd March 1948~~ 19th April 1949, and of all other powers enabling him in this behalf, His Excellency the Governor of Madras hereby makes the following order, namely:--

Memo No. 110746070 D3/49-1 PH 7-7-49

The Heads of Departments mentioned below** are hereby authorised to take charge of the administration of the departments with which they are concerned in the State of Sandur, provisionally merged in Bellary District, and to exercise all powers and functions in connection therewith in accordance with the relevant laws in force in the said State with such modifications not affecting the substance, as may be necessary, until the corresponding laws in force in the Province of Madras are extended to the said State.

** Surgeon-General with the Govt. of Madras.

Director of Public Instruction.

Director of Public Health.

Director of Town Planning.

Chief Engineer (General), P.W.D. (in respect of matters pertaining to Sanitary Engineering).

Superintendent, Government Press.

Superintendent of Stationery.

Special Officer for the Reorganization of the Department of Indian Medicine.

The Supdt., Govt. Museum.

The Curator, Madras Record Office.

Published in the F.S.G.G. Part I A - Local Administration and Public Health - Tuesday, 21-6-49. Page 250. No. (24). notification No. 268 (7th June '49).

To

The S.G.P. (for publication in the F.S.G.G.)

8/6/49

3/6/49

To

The S.G.
" D.P.I.
" D.P.H.
" D.T.P.
" C.E.(General).
" Supdt. of Sty.
" S.O., R.D.I.M.
" S.G.M.
" Curator, M.R.O.

Copy to all other Sections in E.& P.H.Deptt.

Copy to the Public(Political) Deptt.

Copy to the Collector of Bellary.

5 spare copies.

Government of Madras.

COPY of letter No.nil, dated 18-10-1949 from the Collector of Bellary to the Chief Secretary to the Government of Madras.

Sub: STATES - Sandur Administration - Taking over by the concerned departments.

Ref: G.C.Ms.No.2068 P.H. dated 7-6-1949.-
2. G.O.Ms.No.1736 Revenue, dated 2-7-49.
3. G.O.Ms.No.2616 Home Dept., dated 27-6-49.
4. G.O.Ms.No.2438 P.W. dept. dated 29-6-49.
5. G.O.Ms.No.3994 Dev. dept. dated 29-7-49.
6. Govt. Memo. No.38248-J/49-1, Food and Agrl. Dept. d/23-9-49.

I invite your kind attention to the several orders quoted above. I submit that so far only the following departments of the Sandur have been taken over by the concerned authority.

1. Medical	.. ..	Surgeon-General.
2. Veterinary	.. ..	Director of Animal Husbandry.

2. The authorities of the other departments have not taken over the respective departments as yet. In the case of the High Ways, Public Works Department and the Police, the District Officers have submitted reports to the concerned departmental heads and nothing has been heard from them so far.

3. The State merged with effect from 1-4-49 and the centralised administration of the state has got to be simplified without any further delay. It seems to me that very slow action is being taken by the authorities of the other departments.

4. I therefore request that all the authorities of the departments of this Province may be requested to take over the concerned departments of the State without further delay and administer them in accordance with the State rules until they, are replaced by the Acts and rules in force in this province.

Sd/-
for Collector.

/ TRUE COPY /

Public (Political) Department.

G.O.Note No.6387/49-1, dated 3-11-1949.

Sub: SANDUR - State administration - Taking over charge by Heads of departments.
Ref: From the Collector of Bellary, No.nil, dated 18-10-1949.

A copy of the Collector's letter cited is communicated to the departments of the Secretariat. They are requested to give necessary instructions to the Heads of Departments under their administrative control to take charge of the departments of the late Sandur Durbar with which they are concerned without any further delay.

K. Ramunni Menon,
Chief Secretary to Government.

To the Departments of the Secretariat (excepting Legal).
Copy to the Collector of Bellary for information.

FORWARDED / BY ORDER

Superintendent.

RJ 53.Sm./4-11.

E.& P.H.(D3).

MEMO. NO. 86093 D3/49-1 P.H., DATED 6.12.49.

SUB: STATES - Sandur Administration - Taking over by the concerned depts.

Read again: G.O. Ms.No. 2068, P.H., dated 7-6-49.
Letter from the Collector of Bellary, No. Nil dated 15-10-49.

It has been brought to the notice of the Govt. that except~~ing~~ the S.G, the other Heads of Depts. under the control of this Dept. have not taken over the administration of their respective Depts. in the Sandur State, which has merged in the Madras Province w.e.f. 1-4-49. Orders for ~~the~~ taking over ~~of~~ the administration of the concerned Depts. in the Sandur State have issued in G.O. No. 2068, P.H., dt.7-6-49. The Heads of Depts. under the control of this Dept. ~~excepting the S.G.~~ are informed that they should give effect to those orders without any further delay by taking over the administration of the concerned Depts. in the State.

To

The D.P.I.
The D.P.H.
The D.T.P.
The C.E.(GI.)
The S. of S.
The S.G.M.
The Hony. D.~~H~~.Jud.H.
The Curator, M.R.O.

Copy to the Collr. of Bellary.

NOTE:- After issue, this may be filed with G.O. Ms. No. 2068, P.H., dated 7-6-49.

Notes

Please see the U.O. note from Public(Political) on pp.3-6 (ante) The matter relates to taking over the administration of the Sandur State which has merged into the Indian Union with effect from 1-4-49. The Heads of Dept. under the control of this Dept. have to take over the administration of their respective Depts. in the State and run them with reference to the State laws, pending the extension of the laws in force in this Province to Sandur. For this purpose, it is necessary that a formal authorization should be issued by the Govt. under the Extra Provincial Jurisdiction Act, 1947. A draft order is submitted below for approval.

2. As regards the extension of the laws in force in this Province to Sandur, it is necessary that Heads of Depts. concerned should be consulted in the matter as to whether the laws in force in this Province should be extended in toto or with modifications to the State and the date from which they should be extended to the State. The Sections concerned may be requested to take action in this matter in the first instance. After decisions are arrived at regarding the extension of the Acts with which this Dept. is concerned to the Sandur State, they may be sent to this Section for issuing a consolidated order extending the Acts in force in this Province so far as this Dept. is concerned to the Sandur State. A draft U.O. note is submitted.

From
Sri T. Prabhakararao Nayudu, B.A.,
Director of Town Planning,
Old High Court Buildings,
1st Line Beach, Madras I.

To
The Secretary to Government,
Education and Public Health Department,
Fort St. George,
MADRAS.

Rc. No. 5896/49 Dated 4-2-1950.

Sir,

Sub: STATES - Sandur-Administration taking over by the concerned departments.

Ref: Education and Public Health Memo No.86093-D3/49-1 P.H. dated 6-12-49.

With reference to the Government Memo cited above, I enclose herewith copy of the report of the Special Officer, Sandur Rc.No.3043/49 C(SO) dated 7-7-49 and copy of the Bellary Collector's Rc.7176/49 dated 2-7-47, as well as copy of the Inspector of Municipal Councils and Local Boards' remarks communicated to Director of Town Planning in U.O. No. ~~2972/49~~ 48732 dated ~~18-8-49~~ 6.9.49, for information of Government.

In the circumstances, there are no departments in the Sandur State to be taken over by this Department.

FOR DIRECTOR OF TOWN PLANNING.

SN.6-2

Copy of letter Ref.C.No.3048/49C(SO) dated 7-7-49 of the Special Officer, Sandur to the Director of Town Planning.

Sub: STATES - Sandur - Merger - Departments of - Taking over by heads of departments - Department of Town Planning.
Ref: Bellary Collector's ref.C.No.7176/49CC dated 2-7-49.

There are no departments of Government or Committees formed for the purpose of Town Planning in the erstwhile Sandur State to be taken over. Sandur is the only town having a population of about 6,000 with a minor Municipality which has no finance to take up town planning scheme. Its present financial position does not admit of maintaining the conservancy of the town.

Copy of letter Rc.No.7176/49CC dated 2-7-49 of the Bellary Collector to the Special Officer, Sandur and copy to the Director of Town Planning.

Sub: STATES - Sandur - Departments of - Taking over by heads of departments Director of Town Planning.

The Director of Town Planning wants to be informed what departments of the State should be taken charge of by him. It is presumed that except the Municipality of Sandur, there is no area that comes under town planning, scheme. The Special Officer will clarify the position direct to the Director of Town Planning and submit a copy ~~of~~ to this office.

Copy of U.O.No.48732 dated 8-9-49 of the Inspector of Municipal Councils and Local Boards, Madras to the Director of Town Planning.

The Director of Town Planning may be informed U.O. proposals are called for constituting Sandur into a Panchayat. After the panchayat

p.t.o.